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Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Nuclear security

Working paper submitted by the members of the Non-Proliferation and Disarmament Initiative (Australia, Canada, Chile, Germany, Japan, Mexico, Nigeria, Netherlands, Philippines, Poland, Turkey and United Arab Emirates)

Importance of strengthening nuclear security implementation

1. In the Final Document of the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, the Conference stresses the importance of nuclear security and formulates several action points related to the non-proliferation and peaceful uses of nuclear energy in the action plan. States are encouraged to maintain the highest possible standards of security and physical protection of nuclear materials and facilities (action 40) and to apply, as appropriate, the recommendations of the International Atomic Energy Agency (IAEA) on the physical protection of nuclear material and nuclear facilities and other relevant international instruments at the earliest possible date (action 41).

2. The actual application of nuclear security and physical protection measures remains a fundamental responsibility of States, as has been established, inter alia, in the 2005 amendment to the Convention on the Physical Protection of Nuclear Material and referred to in *Nuclear Security Fundamentals: Objective and Essential Elements of a State's Nuclear Security Regime* (IAEA Nuclear Security Series document No. 20). This includes taking appropriate measures for preventing non-State actors from obtaining nuclear materials that can be used in nuclear weapons. It is incumbent upon each State to establish the appropriate legal framework, a robust governance structure and other measures it sees fit to advance nuclear security.

3. The members of the Non-Proliferation and Disarmament Initiative support the use of best practices gathered from the expert community, and recognize IAEA as a key player in collecting these best practices, developing them into nuclear security guidance and providing specific assistance to States. In this context, IAEA offers a number of services including the International Physical Protection Advisory Service (IPPAS) and the Integrated Nuclear Security Support Plans to assist States in consolidating their nuclear security needs into comprehensive plans. The IAEA Nuclear Security Series publications contain objectives and essential elements of a

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State's nuclear security regime, along with recommendations and additional implementing guidance. Nuclear Security Series document No. 20, on the objective and essential elements of a State's nuclear security regime, is endorsed by the IAEA Board of Governors and reflects broad international consensus. The IAEA recommendation document No. 13 on physical protection of nuclear material and nuclear facilities (also published as INFCIRC/225/Revision 5), document No. 14 on radioactive material and associated facilities, and document No. 15 on nuclear and other radioactive material out of regulatory control were prepared by nuclear security experts from more than 40 member States. In addition, the IAEA Code of Conduct on the Safety and Security of Radioactive Sources provides non-binding international guidance for the lifecycle control of high-risk radioactive sources, and 120 States to date have made a political commitment to follow its guidance.

4. It would be a considerable step forward if States were to actively apply and implement the IAEA recommendations nationally and declare such intent publicly. This would significantly strengthen nuclear security worldwide and bolster confidence at national and international level. It would by no means alter the character of IAEA guidance into a legally binding instrument. States remain fully responsible for the ways and means of the implementation. This is the reason why the so-called implementing guides and technical guidance publications of the IAEA Nuclear Security Series should remain at the disposal of States, but would not be part of the recommended national implementation since their applicability remains dependent upon the legal and regulatory system of a State.

Securing nuclear materials for military purposes

5. An estimated 85 per cent of the global inventory of fissile material — the larger part of all highly enriched uranium and about half of the plutonium — has been produced for military purposes and remains outside of civilian programmes. The nuclear-weapon States have an additional responsibility to secure their stocks of nuclear materials for military purposes, including nuclear weapons and associated military facilities. It is of paramount importance that these stocks and facilities are protected at least as well as civilian nuclear materials and their associated facilities, and that the States involved affirm this.

6. In this context, the 2015 Review Conference should recommend that States:

- Subscribe to the fundamental principles set forth in IAEA Nuclear Security Series document No. 20 and meet the intent of the recommendations contained in Nos. 13, 14 and 15, including through the implementation and enhancement of national regulations and other government measures and arrangements
- Develop, in conjunction with IAEA, as necessary, Integrated Nuclear Security Support Plans to consolidate and prioritize nuclear security needs
- Continue to improve the effectiveness of their nuclear security regimes and operators' systems by conducting self-assessments, periodically hosting IPPAS missions and acting upon the recommendations identified during these reviews
- Ensure that management and personnel with accountability for nuclear security are demonstrably competent

7. Additionally, the 2015 Review Conference should recommend that, in order to promote confidence in the effectiveness of security for non-civilian nuclear

materials, the nuclear-weapon States and non-States parties to the Treaty on the Non-Proliferation of Nuclear Weapons:

- Affirm that nuclear materials in the military realm are at least as well protected, or that nuclear security is at least as effective for non-civilian nuclear materials as for civilian materials and, in this regard, declare that internationally agreed guidelines for physical protection (notably IAEA Nuclear Security Series document No. 13) will be taken into account to enhance the effectiveness of protecting non-civilian nuclear materials
- Publish the legal and regulatory framework related to the security of non-civilian nuclear materials on the understanding that no confidential information will be disclosed or confidentiality arrangements violated